
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KELTON JONATHON SORENSON,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING & AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:20-CV-335-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On January 5, 2021, Magistrate Judge Oberg issued a Report and Recommendation, recommending that the court dismiss Plaintiff's Amended Complaint [ECF No. 6] with prejudice and deny his motion for summary judgment [ECF No. 207].

The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within fourteen days of receiving it. Plaintiff submitted an email that the court has construed as an objection. However, the only objection Plaintiff makes to the Report and Recommendation specifically is to state that it is only a recommendation.


A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the

case *de novo*, including Plaintiff's Amended Complaint, his motion for summary judgment and other submissions to the court, the Magistrate Judge's Report & Recommendation, and Plaintiff's submission construed to be an objection to the Report & Recommendation.

While Plaintiff is correct that the Magistrate Judge's Report and Recommendation is only a recommendation, the court fully agrees with the analysis in Magistrate Judge Oberg's Report and Recommendation. Plaintiff's allegations fail to state a claim for relief against the named Defendants, his Amended Complaint fails to comply with the requirements of Rule 8 of the Federal Rules of Civil Procedure, and many of his allegations are frivolous. His Amended Complaint, therefore, is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). Moreover, Plaintiff's motion for summary judgment is denied because he fails to comply with the requirements of Rule 56 of the Federal Rules of Civil Procedure and he fails to show that he is entitled to judgment as a matter of law on any of his claims. The court adopts the Report and Recommendation as the Order of the court. The court, therefore, dismisses Plaintiff's Amended Complaint [ECF No. 6] with prejudice and denies his motion for summary judgment [ECF No. 207].

DATED this 2d day of February, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL
United States District Judge